

PLANNING COMMISSION MINUTES

May 2, 2001

CALL TO ORDER:

Chairman Vlad Voytilla called the meeting to order at 7:10 p.m. in the Beaverton City Hall Council Chambers at 4755 SW Griffith Drive.

ROLL CALL:

Present were Chairman Vlad Voytilla, Planning Commissioners Bob Barnard, Gary Bliss, Eric Johansen and Dan Maks. Planning Commissioners Chuck Heckman and Brian Lynott were excused.

Senior Planner John Osterberg, Traffic Engineer Sean Morrison, Assistant City Attorney Bill Scheiderich and Recording Secretary Sandra Pearson represented staff.

The meeting was called to order by Chairman Voytilla, who presented the format for the meeting.

VISITORS:

Chairman Voytilla asked if there were any visitors in the audience wishing to address the Commission on any non-agenda issue or item. There were none.

STAFF COMMUNICATION:

On question, staff indicated that there were no communications at this time.

NEW BUSINESS:

PUBLIC HEARINGS:

A. CUP 2000-0030 -- LANPHERE AUTO SALES AND SERVICE CONDITIONAL USE PERMIT

(Request for continuance to June 6, 2001)

The following land use application has been submitted for the remodel and expansion of an existing building for the development of an auto sales and service facility. The applicant proposes to increase the building by approximately 30,441 square feet. The proposal includes the addition of a parking lot and associated landscaping. The development proposal is located at 4000 SW Hocken Avenue and along the north side of the proposed Millikan Way extension; Washington County Assessor's Map 1S1-9DC on Tax Lot's

1 900, 1000, 1100, and 1200. The site is zoned General Commercial (GC) and is
2 approximately 7.1 acres in size.

3
4 At the request of Senior Planner John Osterberg, Commissioner Maks **MOVED**
5 and Commissioner Barnard **SECONDED** a motion that CUP 2000-0030 –
6 Lanphere Auto Sales and Service Conditional Use Permit be continued to a date
7 certain of May 30, 2001.

8
9 Motion **CARRIED**, unanimously.

10
11 **MISCELLANEOUS BUSINESS:**

12
13 Commissioner Voytilla pointed out that the Merlo Station Area Work Session
14 that had been incorrectly included on this week's original agenda is scheduled
15 for Wednesday, May 9, 2001.

16
17 **OLD BUSINESS:**

18
19 Chairman Voytilla opened the Public Hearing and read the format for Public
20 Hearings. There were no disqualifications of the Planning Commission members.
21 No one in the audience challenged the right of any Commissioner to hear any of
22 the agenda items, to participate in the hearing or requested that the hearing be
23 postponed to a later date. He asked if there were any ex parte contact, conflict of
24 interest or disqualifications in any of the hearings on the agenda. There was no
25 response.

26
27 **CONTINUANCES:**

28
29 **A. WILLIAMS CPA AND REZONE AT 11035 SW CENTER STREET**

30 *(Continued from April 4, 2001)*

31 The following land use applications have been submitted for a Comprehensive
32 Plan Map Amendment and Rezone for a parcel at 11035 SW Center Street. The
33 development proposal is located on Tax Lot 2400 of Assessor's Map 1S1-10DC.
34 The site is currently zoned Urban Standard Density (R-7) and is approximately
35 0.84 of an acre in size.

36
37 **1. CPA2000-0001: Comprehensive Plan Amendment (CPA)**

38 Request for a Comprehensive Plan Amendment (CPA) to change the City's
39 existing Comprehensive Plan Map land use designation for the subject site
40 from Urban Standard Residential Density to Urban Medium Residential
41 Density.

42
43 **2. RZ2000-0004: Rezone (RZ)**

44 Request for a Rezone approval for a Rezone (RZ) to change the City's existing
45 zoning map designation for the subject site from Urban Standard Density (R-
46 7) to Urban Medium Density (R-2). The proposed zone change will increase

1 the allowed density on the subject site from 7,000 square feet of net parcel area
2 per dwelling unit to 2,000 square feet of net parcel area per dwelling unit'

3
4 All Planning Commissioners indicated that they had visited the site and had no
5 contact with any individual regarding these applications.

6
7 Mr. Osterberg presented the Staff Reports and described the applications for a
8 CPA and Rezone. Referring to three communications received regarding these
9 applications, he noted that copies had been provided for review prior to the
10 meeting. Concluding, he recommended approval of both applications as meeting
11 applicable criteria and offered to respond to any questions or comments.

12
13 Commissioner Bliss requested clarification that no specific development is being
14 considered at this time in connection with the proposed CPA and Rezone.

15
16 Mr. Osterberg advised Commissioner Bliss that upon approval of the CPA and
17 Rezone, a developer would have the option of submitting a specific development
18 proposal, adding that not all applications would have the potential of coming
19 before the Planning Commission for approval.

20
21 Referring to page 24 of the CPA Staff Report, Mr. Bliss requested clarification of
22 Item 3.4.3.h., specifically the significance of the term "fee ownership".

23
24 Mr. Osterberg informed Mr. Bliss that fee ownership applications are increasing
25 in desirability in multi-family zoned properties, adding that they provide a greater
26 level of flexibility regarding lot sizes, unique site issues and other elements
27 relating to the code.

28
29 Chairman Voytilla questioned the length of Center Street.

30
31 Mr. Osterberg advised him that he could determine the length of the portion of
32 Center Street located on that particular side of Highway 217.

33
34 Chairman Voytilla expressed concern with the impact an increase in zoning of
35 this particular property would have on adjacent properties, specifically with the
36 availability of necessary services. He pointed out that there are limitations
37 relative to the length of the cul-de-sac and questioned whether Center Street is
38 anywhere within that range.

39
40 Mr. Osterberg assured Chairman Voytilla that he would obtain this information.

41
42 Chairman Voytilla requested clarification of the status of these applications with
43 regard to the 120-day rule.

44
45 Observing that a CPA has no such restriction, Mr. Osterberg advised Chairman
46 Voytilla that the applicant has waived the 120-day rule for the rezone.

1 Chairman Voytilla questioned whether the City of Beaverton is achieving housing
2 density requirements, specifically whether there are any deficiencies that need to
3 be addressed.

4

5 Mr. Osterberg commented that while it is necessary to meet Metro's guidelines
6 for increasing density, he is not aware of whether this particular site is needed to
7 meet that standard.

8

9 Commissioner Bliss discussed the Staff Report, specifically the preservation and
10 enhancement of the quality and character of the neighborhood and questioned the
11 effect of buildings that do not meet the criteria.

12

13 Mr. Osterberg advised Commissioner Bliss that no particular type of building is
14 being reviewed in conjunction with this application, adding that the best format
15 for reviewing the compatibility and character is through development review.

16

17 Commissioner Bliss emphasized that this process involves changes in zoning and
18 types of uses, rather than just buildings, pointing out that future applications
19 would not necessarily require Planning Commission approval. He expressed
20 concern with the potential lack of protection for the character of the
21 neighborhood.

22

23 Referring to the design review process, Commissioner Maks questioned whether
24 the setbacks in R-7 and R-2 are the same.

25

26 Mr. Osterberg informed Commissioner Maks that R-2 and R-7 do not have the
27 same setbacks.

28

29 Commissioner Maks questioned whether an apartment building is allowed
30 outright in an R-7 zone.

31

32 Mr. Osterberg pointed out that a Planned Unit Development (PUD) is necessary
33 to locate an apartment building in an R-7 zone, adding that more than three units
34 is not an outright use. On question, he advised Commissioner Maks that the
35 Board of Design Review could make findings requiring greater setbacks on the
36 basis of the size, scale, mass and/or height of a proposed building.

37

38 Commissioner Maks emphasized that if an applicant meets the height and setback
39 requirements of a zone, it is extremely difficult to modify the development. He
40 agreed that some of these issues are better addressed further down the road.

41

42 Commissioner Bliss questioned whether staff had discussed alternative zoning
43 options with the applicant.

44 Mr. Osterberg stated that staff has not discussed alternative zoning options with
45 the applicant.

46

1 Referring to page 14 of the Rezone Staff Report, Commissioner Maks questioned
2 staff's interpretation of policy and specifically application of "i" to Central
3 Beaverton, emphasizing that he has never seen a policy that addresses only
4 Central Beaverton.

5
6 Mr. Osterberg commented that each application is reviewed independently,
7 adding that it is the responsibility of the Planning Commission to make an
8 appropriate determination. He discussed what he referred to as "blanket zoning"
9 of large single-family areas and efforts to zone these areas for apartments,
10 expressing his opinion that the Williams property meets the criteria listed in "i".
11

12 Commissioner Maks questioned the transition from R-7 to R-2 zoning,
13 emphasizing that this transition more than doubles the density. Observing that
14 this might not be blanket zoning, he expressed his opinion that it could be
15 considered spot zoning.
16

17 Chairman Voytilla referred to a communication received from Ms. McDowell,
18 pointing out that she had expressed concern that the increased density would
19 proliferate into other properties in this area and erode the quality of the
20 neighborhood. He mentioned that while there might be some justification for the
21 increased density, addressing the concerns of this citizen remains an issue.
22

23 Mr. Osterberg commented that there have been and would continue to be
24 applications requesting increased densities, particularly to the medium density
25 designated areas.
26

27 Chairman Voytilla reminded Mr. Osterberg that the concern expressed by
28 Commissioner Maks involves establishing for spot zoning, rather than blanket
29 zoning.
30

31 Mr. Osterberg pointed out that each application would be reviewed and
32 determined on an individual basis by the Planning Commission. On question, he
33 expressed his opinion that because of the transitional zoning, the proposal would
34 not create an island of R-2 zoning.
35

36 Commissioner Maks commented that as changes would occur, they would come
37 before the Planning Commission, expressing his opinion that Chairman Voytilla's
38 reference to the concerns expressed by Ms. McDowell is a valid issue. He
39 requested clarification of the water and fire hydrant issue referenced on page 8,
40 observing that a past application in an area with prior water problems had been
41 conditioned for no more than certain number of units and questioned whether this
42 is the same type of scenario.
43

44 Mr. Osterberg pointed out that this issue involves the current pressure testing that
45 has occurred at the water hydrant, adding that the results were slightly below the
46 typical standard of 3000 gallons per minute. Observing that there are a variety of

1 ways in which development could be designed to address this unit, he emphasized
2 that there is no way at this time to determine the number of units that would be
3 included in any future application.
4

5 Chairman Maks stated that this is not accurate, observing that the acreage, zoning
6 and density requirements provide information regarding the minimum number of
7 units that could be allowed in a future application.
8

9 Mr. Osterberg agreed that the parameters provide a way to determine the
10 minimum and maximum number of units for any future development, adding that
11 a variety of construction methods could be reviewed at the time of specific
12 development in order to determine the type of conditions or infrastructure
13 upgrades that might be necessary.
14

15 Commissioner Maks questioned whether other residential uses in the area are at
16 risk of having their water pressure lowered.
17

18 Observing that he does not have a knowledgeable response to this question, Mr.
19 Osterberg informed Commissioner Maks that this issue is reviewed at the time of
20 development review and that it is possible to upsize the infrastructure.
21

22 Commissioner Bliss pointed out that the placement or construction of this type of
23 development does not necessarily jeopardize the safety or water pressure for the
24 residential uses in the area, adding that a fire would utilize available water without
25 any additional development. He mentioned that as a last resort, in order to
26 provide adequate protection for this specific site, it could become necessary to
27 upgrade or increase the capacity.
28

29 Observing that CPAs and Rezones are often contentious issues because they tend
30 to affect existing neighborhoods, Commissioner Johansen questioned whether
31 staff had suggested that the applicant provide greater detail in addressing the
32 applicable criteria.
33

34 Mr. Osterberg advised Commissioner Johansen that staff had made suggestions
35 that the applicant should supply additional information, adding that the applicant
36 had indicated that the information they had furnished was adequate.
37

38 Commissioner Johansen pointed out that several criteria were not addressed in the
39 applicant's request, specifically 1.3.1.3 and 1.3.1.4.
40

41 Mr. Osterberg informed Commissioner Johansen that the original submittal had
42 not addressed the criteria, either.
43

44 Commissioner Johansen referred to public transit, specifically whether the
45 applicant had provided information regarding providing adequate bus service on
46 Canyon Road.

1 Mr. Osterberg informed Commissioner Johansen that no information had been
2 provided regarding bus service on Canyon Road.

3
4 Commissioner Johansen pointed out that the site is approximately 0.9 miles from
5 the transit center, observing that while he had not noticed the lighting situation,
6 much of this distance does not provide sidewalks for pedestrians.

7
8 Mr. Osterberg commented that transportation for any development of this site
9 would not be dependent upon the light rail, adding that his findings had described
10 the proximity to bus service on Canyon Road and that Tri-Met has recently
11 completed bus stop improvements in this area. He mentioned that a sidewalk
12 upgrade in the area has been planned, observing that sidewalks would be provided
13 in virtually every location where they are necessary.

14
15 Commissioner Johansen requested clarification of the availability of R-7 zoning
16 versus R-2 zoning in relation to long-term needs.

17
18 Mr. Osterberg commented that while he does not have this information, he noted
19 that generally the City of Beaverton focuses upon the number of units that are
20 available on a citywide basis, rather than the specific need for certain zoning
21 designations to be preserved.

22
23 Commissioner Johansen referred to 3.4.3.h on page 24 of the Comprehensive
24 Plan, specifically the policy regarding a variety of lot sizes.

25
26 Mr. Osterberg mentioned that he had discussed a similar application with the
27 Planning Director, who had indicated that it is not necessary for the applicant to
28 provide a market analysis of the availability of the zone that would be eliminated.

29
30 Commissioner Johansen pointed out that availability is not exactly a relevant
31 issue when there is a demand for every type of zoned property.

32
33 Commissioner Maks mentioned that the Comprehensive Plan provides the
34 framework for development, adding that if a portion of a certain designation is
35 being changed or eliminated, it is necessary to determine what remains.

36
37 Chairman Voytilla referred to Commissioner Johansen's question relative to the
38 potential of a project meeting the affordability issue, adding that while no specific
39 application has been submitted at this time, would not a street improvement be
40 required of a property as it develops.

41
42 Mr. Osterberg advised Chairman Voytilla that a required street improvement
43 would be typical as a property develops.

44
45 Chairman Voytilla pointed out that all information on necessary infrastructure is
46 not available.

1 Mr. Osterberg commented that he is not certain that an appropriate answer
2 regarding affordability is available.

3
4 Traffic Engineer Sean Morrison discussed transportation improvements and how
5 they relate to this particular site. Observing that 110th Avenue is designated as a
6 collector street on the Comprehensive Plan, he noted that some street widening up
7 to the existing street improvement and other fairly modest improvements would
8 be necessary.

9
10 Commissioner Maks referred to the Metro density requirements, requesting
11 clarification that the City of Beaverton is below target with regard to the
12 residential component.

13
14 Mr. Osterberg informed Commissioner Maks that it is his understanding that the
15 City of Beaverton is below target with regard to the residential component.

16
17 **APPLICANT:**

18
19 **ERIC WILLIAMS** provided background information regarding this property and
20 discussed the current application for a CPA and Rezone, adding that because of
21 the close proximity to public transportation, felt that this site offered a great deal
22 of potential in helping the City of Beaverton to achieve the goals of the Metro
23 2040 Plan. Agreeing that the walk from this site to the light rail might be too
24 great for some individuals, he pointed out that bus service provides an easy route
25 to the transit station. He described the long process involved in purchasing and
26 annexing this property, expressing his opinion that the City of Beaverton had
27 incorrectly deemed the application incomplete, exceeding the 120-day rule prior
28 to the applicant waiving this right. He expressed his disagreement with comments
29 that development of his property would be detrimental to the surrounding area.

30
31 Commissioner Maks observed that site development is not an issue with this
32 application, adding that the applicant would have numerous options if the
33 property is rezoned.

34
35 Chairman Voytilla reminded Mr. Williams that the application involves a CPA
36 and a Rezone, emphasizing that this Public Hearing is limited to these issues.

37
38 Mr. Williams mentioned that while this site has been described as an island, an
39 actual island is surrounded on all sides by other properties. He clarified that this
40 property is not surrounded on all sides, adding that the commercial property to the
41 south of his site is the location of the *Home Base Store* and that in addition to
42 single-family homes, there are also office buildings to the east of the property.
43 Pointing out that this is not an island, he described the property as a good
44 transitional area for an increase in density. Noting that comments have been
45 made indicating that 22 units could be located on the site, he pointed out that he
46 has determined that no more than 16 units could be placed on the site. He

1 requested clarification of which criteria Commissioner Johansen had indicated
2 were not addressed.

3
4 Commissioner Johansen advised Mr. Williams that the CPA submittal had not
5 specifically addressed portions of 1.3.1.2 and all of 1.3.1.3 and 1.3.1.4.

6
7 Observing that the criteria had been addressed, Mr. Williams stated that he is not
8 certain why it is not included.

9
10 Commissioner Maks referred to the applicant's CPA statement addressing
11 criterion 1.3.1.2, which states, as follows: "that it is Metro's goal to increase the
12 reliance on public and alternate forms of transportation. That by increasing the
13 number of housing units in close proximity to public..." Observing that the next
14 page starts with 1.3.1.5, he pointed out that something appears to be missing.

15
16 Emphasizing that this criteria had been addressed, Mr. Williams commented that
17 it appears that a portion of the application had not been copied.

18
19 8:22 p.m. to 8:27 p.m. – break.

20
21 Mr. Williams provided a complete copy of the CPA submittal, including the
22 missing pages.

23
24 Chairman Voytilla pointed out that in his absence, it had been discovered that
25 while the CPA submittal did not include the missing pages, the missing
26 information is also located within the Rezone submittal.

27
28 Mr. Williams reiterated that the property provides a very appropriate transition
29 between commercial and residential properties that he does not consider spot
30 zoning. He agreed with Commissioner Johansen's analysis of the R-7, adding
31 that while it would be appropriate to include the criteria in the process, it was not
32 applicable when he had submitted his application. He referred to copies of
33 communications from neighbors that he had received this evening, and addressed
34 several issues that had been mentioned. He expressed his opinion that whether or
35 not the property is within convenient walking distance to the light rail station is a
36 matter of perspective, emphasizing that the distance is less than one mile. He
37 discussed the fact that the Public Hearing had been continued, and apologized to
38 the neighbors who had showed up on April 4, 2001. Concluding, he offered to
39 respond to any questions or comments.

40
41 Commissioner Maks asked Mr. Williams if he is able to submit valid evidence to
42 back up his statement that uses in an R-2 zone do not affect adjacent properties.

43
44 Observing that he does not have this documentation available at this time, Mr.
45 Williams informed Commissioner Maks that he could contact both commercial
46 and residential real estate agents and verify this information.

1 Referring to the five "big block" walk to the light rail station, Commissioner
2 Maks questioned whether Mr. Williams considers this walk to the light rail to be
3 pedestrian friendly.
4

5 Observing that the route to the light rail station does not involve busy streets, Mr.
6 Williams stated that he does not consider this walk un-pedestrian friendly.
7

8 Commissioner Maks referred to Mr. Williams' comment that a number of
9 individuals would walk to the light rail station, observing that the parameters for
10 transit-oriented development provide for a ¼ mile to ½ mile walking distance.
11 Emphasizing that the park and rides at the light rail stations are generally full, he
12 noted that most people travel to the light rail in their private vehicles.
13

14 Referring to the procedure for public notification, Chairman Voytilla questioned
15 whether Mr. Williams has had experience in developing property in other
16 jurisdictions.
17

18 Mr. Williams informed Chairman Voytilla that he has developed property in other
19 jurisdictions that have provided the necessary public notification.
20

21 Chairman Voytilla advised Mr. Williams that it is difficult to re-notice in a timely
22 manner when continuances are scheduled so soon.
23

24 Commissioner Maks pointed out that generally the need for a continuance is at the
25 request of developer and that mailings should not be paid for by taxpayer dollars.
26

27 Mr. Williams pointed out that he would have been happy to provide the re-
28 notification if he had been aware that it had not been taken care of by the City of
29 Beaverton.
30

31 **PUBLIC TESTIMONY:**
32

33 Chairman Voytilla advised members of the public that testimony would be limited
34 to three minutes, with the exception of bonafide groups, adding that any
35 applicable criteria and credentials should be cited.
36

37 **DON BUCHHOLZ** expressed concern with the affect that this application would
38 have upon the quality of life, increased traffic and child safety. He expressed his
39 opinion that the light rail station is located too far to be considered walking
40 distance, adding that there are no available parking spaces at any of the nearby
41 park and rides. He pointed out that he would find the CPA application more
42 acceptable if it was adjusted to R-4 or R-5, rather than R-2, which he considers
43 too dense. He noted that contrary to Mr. Williams' allegations, in his opinion, the
44 proposal would create an island of zoning.
45

1 **PAUL JENSEN** observed that with the original meeting scheduled in January,
2 any scheduling conflict still should have allowed sufficient time for Mr. Williams
3 to notify adjacent property owners of the continuance. Expressing his opinion
4 that this rezone would change the character of the neighborhood, he noted that
5 this would allow for too many people in small space, creating the potential for
6 increased traffic, crime and litter. He disagreed with Mr. Williams' statement that
7 the R-2 zone would create a buffer zone. He pointed out that the neighbors have
8 requested consideration of R-7 zoning, adding that Mr. Williams does not
9 consider this option economically feasible. He mentioned that the neighbors
10 would prefer affordable, but not cheap homes, adding that the Rezone application
11 fails to meet criteria in Comprehensive Plan policies 3.4.2.1, 3.4.2.8, 3.4.3.i,
12 3.4.3.k, 3.4.3.m and 3.4.2. Concluding, he mentioned that his elderly neighbor
13 who had built his own home in the neighborhood in the 1940's is unable to be
14 here to voice his opposition to the applications.

15
16 **PAUL OKABAYASHI** referred to Mr. Williams' statement regarding the
17 commercial buffer zone, expressing his opinion that *Home Base* has a nice green
18 foliage area that provides a perfect buffer zone and that further development of
19 the area is not necessary. He discussed his concern with protecting his property
20 value, which may decrease, adding that he is also concerned with the density
21 increase. He referred to criteria in 1.3.1.5, observing that contrary to Mr.
22 William's statement, rather than a simple dead end street, Center Street is also
23 utilized as an access for delivery trucks.

24
25 Mr. Okabayashi presented a brief video tape of wife, **KATHRYN**
26 **OKABAYASHI**, whose advanced pregnancy would not allow her to be present
27 this evening, who addressed her concerns with the zoning issue. She discussed
28 the potential change to the quality of life in her neighborhood, parking and traffic
29 concerns and the potential view from her living room. She pointed out that future
30 development provides the potential for row houses or apartments, which could
31 decrease the value of her home and would not be consistent with the existing
32 homes with established landscaping.

33
34 Chairman Voytilla advised Mr. Okabayashi that it is necessary to address criteria
35 applicable to the Comprehensive Plan, rather than site and traffic issues.

36
37 Mr. Okabayashi informed Chairman Voytilla that while his wife understands this
38 issue, she had taken the opportunity to express her opinion.

39
40 **TESSA JENSEN** expressed her concerns with the applications, particularly the
41 potential for an apartment complex on the site. She pointed out that because his
42 main motivation appears to be profit, the applicant would probably develop the
43 property to its maximum capacity. She discussed what she feels would be a
44 substantial change in the urban feel of the area, adding that although she supports
45 public transit she does not feel the site is within a walk able distance to the light
46 rail. She questioned how an increase in density could actually provide a buffer,
47 expressing her opinion that this would create more of a transitional shock, adding

1 that a buffer zone should be a green space that creates a calming effect.
2 Observing that this is a very narrow street, she pointed out that emergency vehicle
3 access would be extremely difficult.
4

5 Commissioner Maks informed Ms. Jensen that Planning Commissioners are
6 considering what type of development could be allowed on the site, reminding her
7 that discussion of any specific development is not applicable at this time. He
8 pointed out that monetary issues are not included within any applicable criteria.
9

10 **TAMMY WOOD** observed that she had submitted written testimony and
11 described her concerns with the applications. She pointed out that while her
12 family actually walks from the area to the light rail station on a regular basis, she
13 considers her family pretty rugged walkers, adding that this is clearly not a
14 commuting type of a walk. She questioned the assumption that the highest
15 possible density is necessarily the best, suggesting that if flexibility and variety is
16 truly a goal, the community would be better served by leaving things as they are.
17 Expressing her opposition to blanket rezoning, she referred to a large property
18 north of this site, adding that any decision on tonight's issue has the potential to
19 provide justification for any development on this other property as well.
20

21 Commissioner Maks complimented Ms. Wood on her efforts in regard to the
22 public process, adding that she had provided written testimony in a timely
23 manner, addressed criteria and had not read her written testimony in the
24 assumption that the Planning Commissioners had not read it.
25

26 Ms. Wood expressed her appreciation to Commissioner Maks for his compliment.
27

28 **APPLICANT REBUTTAL:**
29

30 Mr. Williams addressed the issue of potentially decreased property values, adding
31 that he is able to provide appraiser information and that no evidence of a negative
32 impact on property values has been presented. He discussed the proximity of the
33 site to the light rail station, expressing his opinion that the bus stop near the site
34 provides regular service and makes the light rail readily accessible.
35

36 Commissioner Maks pointed out that regular service in Beaverton could involve a
37 30-minute headway, a two-hour headway or a four-hour headway.
38

39 On question, Mr. Osterberg indicated that he had no further comments and offered
40 to respond to any final questions.

41 Assistant City Attorney Bill Scheiderich indicated that he had no comments at this
42 time.
43

44 The public portion of the Public Hearing was closed.
45

1 Commissioner Johansen observed that the proposed rezone to R-2 zoning raises
2 issues of compatibility in this single-family residential neighborhood, adding that
3 he is also concerned with the distance to the light rail station. He stated that he is
4 not able to support either application as meeting applicable criteria for
5 conformance to the Comprehensive Plan.

6
7 Commissioner Bliss mentioned that he had contemplated various types of
8 development that could occur from this CPA and RZ, adding that his visit of the
9 site and review of the criteria had convinced him that he does not support either
10 application, which do not meet applicable criteria, specifically 1.3.1.3 and that it
11 is questionable whether it meets 1.3.1.2.

12
13 Commissioner Maks stated that while he understands the necessity of increasing
14 density and traffic is not an issue, the proposed CPA and R-2 zoning does not
15 meet the applicable criteria. The CPA does not meet criteria 1.3.1.3, which
16 requires conformance to the Comprehensive Plan, specifically Objectives 3.4.2.8,
17 and 3.4.2.11, and Policies 3.4.3.I, 3.4.3.k and 3.4.3.m. The CPA also does not
18 meet criteria 1.3.1.5 and 1.3.1.6. The Rezone to R-2 does not meet criterion 1.a,
19 which requires conformance to the same policies of the Comprehensive Plan that
20 are cited as not being met for the CPA. He clarified that rather than transitional
21 zoning as described in the Staff Reports, he considers the proposal to be spot
22 zoning. He pointed out that this area does not require transitional zoning, due to
23 the characteristics of the surroundings.

24
25 Chairman Voytilla stated that he does not support either application and agrees
26 with Commissioners Johansen and Maks regarding the specific findings they
27 cited, adding that he is impressed with the obvious sense of pride within this well-
28 maintained single-family area. He expressed concern that the applicant had no
29 consultants available to provide assistance with this major decision, emphasizing
30 that the burden of proof is the responsibility of the applicant.

31
32 Expressing his opinion that this is a difficult decision, Commissioner Barnard
33 stated that although he does not like the entire package, he disagrees with his
34 fellow Commissioners and feels that the CPA application does meet applicable
35 criteria. Concluding, he commented that while he would support the CPA, he
36 does not support the Rezone for the reasons already cited by the Commission.

37
38 Commissioner Maks **MOVED** and Commissioner Bliss **SECONDED** a motion
39 that CPA 2000-0001 – Williams Comprehensive Plan Amendment at 11035 SW
40 Center Street be denied, having reviewed Staff Report dated April 25, 2001,
41 including additional testimony and exhibits presented by the applicant and the
42 public, as it does not meet all applicable criteria, based on a deliberation of the
43 Comprehensive Plan purpose, policies and objectives, and instructing staff to
44 prepare an appropriate land use order.

45
46 Motion **CARRIED**, by the following roll call vote:

Ayes: Bliss

Nay: Barnard

Johansen

Maks

Voytilla

Commissioner Maks **MOVED** and Commissioner Johansen **SECONDED** a motion that RZ 2000-0004 – Williams Rezone at 11035 SW Center Street be denied, having reviewed Staff Report dated April 25, 2001, including additional testimony and exhibits presented by the applicant and the public, as it does not meet all applicable criteria, based on deliberation of the Comprehensive Plan purpose, policies and objectives, and instructing staff to prepare an appropriate land use order.

Motion **CARRIED**, unanimously.

APPROVAL OF MINUTES:

Minutes of the meeting of April 4, 2001, submitted. Commissioner Voytilla referred to lines 12 through 14 of page 16, requesting that it be amended, as follows: "...a preponderance of food vendors in ~~this area~~ **front of other Home Depot Stores...**" Commissioner Voytilla referred to lines 25 through 26 of page 27, requesting that it be amended, as follows: "Observing ~~that the neighbors also deserve credit for their attempts to work with~~ **it is up to the applicant to work out conditions of agreement with the neighbors...**" Commissioner Maks **MOVED** and Commissioner Barnard **SECONDED** a motion that the minutes be approved as written and amended.

Motion **CARRIED**, unanimously.

MISCELLANEOUS BUSINESS:

Observing that no applications are scheduled for the agenda on Wednesday, May 16, 2002, Chairman Voytilla stated that Planning Director Irish Bunnell had requested to schedule a Work Session that evening, beginning at 6:30 p.m.

Mr. Osterberg mentioned that Senior Planner Barbara Fryer would be presenting some of her subject material regarding the Comprehensive Plan at this Work Session.

Noting that he would not be available on Wednesday, May 9, 2001, Chairman Voytilla mentioned that Vice-Chairman Maks would be chairing the meeting that evening.

The meeting adjourned at 9:40 p.m.